

2013 DRAFTING REQUEST**Bill**

Received: 11/8/2013

Received By: gmalaise

Wanted: 11/15/2013 4:00:00 PM

Same as LRB:

For: Cory Mason (608) 266-0634

By/Representing: Vicki Selkove

May Contact:

Drafter: gmalaise

Subject: Employ Priv - minimum wage

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Mason@legis.wisconsin.gov

Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

minimum wage; increase, then index

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 11/8/2013	evinz 11/15/2013					
/1			rschluet 11/15/2013		mbarman 11/15/2013	srose 1/14/2014	State S&L

FE Sent For:

<END>

a
Intro

2013 DRAFTING REQUEST

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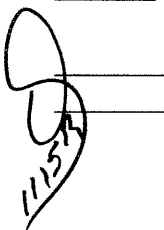
Topic:

minimum wage; increase, then index ✓

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/?	gmalaise	1 rev 11/15/13	1 rev 11/15/13				

FE Sent For:

<END>

Malaise, Gordon

From: Selkove, Vicky
Sent: Friday, November 08, 2013 3:08 PM
To: Malaise, Gordon
Subject: Rep. Mason Drafting Request

Hi Gordon –

Representative Mason needs a bill drafted that does the following:

- Increases Wisconsin's minimum wage for employees to \$8.20/hour on the first day of the third month after enactment; \$9.15/hour one year after enactment; and 3) \$10.10/hour two years after enactment.
- Indexes Wisconsin's minimum wage to inflation (same language you've used in previous minimum wage bills) and annually thereafter
- Increases Wisconsin's minimum wage for tipped employees to \$3.00/hour for one year starting on the first day of the third month after the bill's enactment and provides a formula for subsequent annual adjustments of this wage increase to ensure that it remains equal to 70% of the wage.

This bill is intended to be modeled after the Fair Minimum Wage Act (S.460), attached.

Representative Mason needs this as soon as possible. Please let me know if you have questions.

Thank you,



Vicky

Vicky Selkove
Office of State Representative Cory Mason
66th Assembly District
State Capitol, Room 6 North
PO Box 8953, Madison, WI 53708
Phone: (608) 266-0634
Toll-free: (888) 534-0066

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113TH CONGRESS
1ST SESSION

S. 460

To provide for an increase in the Federal minimum wage.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2013

Mr. HARKIN (for himself, Ms. MIKULSKI, Mrs. MURRAY, Mr. SANDERS, Mr. CASEY, Mr. FRANKEN, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. MURPHY, Ms. WARREN, Mr. LEAHY, Mr. LEVIN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. WYDEN, Mr. DURBIN, Mr. REED, Mr. SCHUMER, Ms. STABENOW, Mr. LAUTENBERG, Mr. BROWN, Ms. KLOBUCHAR, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. BLUMENTHAL, and Mr. COWAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide for an increase in the Federal minimum wage.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fair Minimum Wage
5 Act of 2013”.

6 **SEC. 2. MINIMUM WAGE INCREASES.**

7 (a) MINIMUM WAGE.—

1 (1) IN GENERAL.—Section 6(a)(1) of the Fair
2 Labor Standards Act of 1938 (29 U.S.C. 206(a)(1))
3 is amended to read as follows:

4 “(1) except as otherwise provided in this sec-
5 tion, not less than—

6 “(A) \$8.20 an hour, beginning on the first
7 day of the third month that begins after the
8 date of enactment of the Fair Minimum Wage
9 Act of 2013 Act;

10 “(B) \$9.15 an hour, beginning 1 year after
11 that first day;

12 “(C) \$10.10 an hour, beginning 2 years
13 after that first day; and

14 “(D) beginning on the date that is 3 years
15 after that first day, and annually thereafter, the
16 amount determined by the Secretary pursuant
17 to subsection (h);”.

18 (2) DETERMINATION BASED ON INCREASE IN
19 THE CONSUMER PRICE INDEX.—Section 6 of the
20 Fair Labor Standards Act of 1938 (29 U.S.C. 206)
21 is amended by adding at the end the following:

22 “(h)(1) Each year, by not later than the date that
23 is 90 days before a new minimum wage determined under
24 subsection (a)(1)(D) is to take effect, the Secretary shall
25 determine the minimum wage to be in effect pursuant to

1 this subsection for the subsequent 1-year period. The wage
 2 determined pursuant to this subsection for a year shall
 3 be—

4 “(A) not less than the amount in effect under
 5 subsection (a)(1) on the date of such determination;

6 “(B) increased from such amount by the annual
 7 percentage increase in the Consumer Price Index for
 8 Urban Wage Earners and Clerical Workers (United
 9 States city average, all items, not seasonally ad-
 10 justed), or its successor publication, as determined
 11 by the Bureau of Labor Statistics; and

12 “(C) rounded to the nearest multiple of \$0.05.

13 “(2) In calculating the annual percentage increase in
 14 the Consumer Price Index for purposes of paragraph
 15 (1)(B), the Secretary shall compare such Consumer Price
 16 Index for the most recent month, quarter, or year avail-
 17 able (as selected by the Secretary prior to the first year
 18 for which a minimum wage is in effect pursuant to this
 19 subsection) with the Consumer Price Index for the same
 20 month in the preceding year, the same quarter in the pre-
 21 ceding year, or the preceding year, respectively.”.

22 (b) BASE MINIMUM WAGE FOR TIPPED EMPLOY-
 23 EES.—Section 3(m)(1) of the Fair Labor Standards Act
 24 of 1938 (29 U.S.C. 203(m)(1)) is amended to read as fol-
 25 lows:

1 “(1) the cash wage paid such employee, which
2 for purposes of such determination shall be not less
3 than—

4 “(A) for the 1-year period beginning on
5 the first day of the third month that begins
6 after the date of enactment of the Fair Min-
7 imum Wage Act of 2013, \$3.00 an hour;

8 “(B) for each succeeding 1-year period
9 until the hourly wage under this paragraph
10 equals 70 percent of the wage in effect under
11 section 6(a)(1) for such period, an hourly wage
12 equal to the amount determined under this
13 paragraph for the preceding year, increased by
14 the lesser of—

15 “(i) \$0.95; or

16 “(ii) the amount necessary for the
17 wage in effect under this paragraph to
18 equal 70 percent of the wage in effect
19 under section 6(a)(1) for such period,
20 rounded to the nearest multiple of \$0.05;
21 and

22 “(C) for each succeeding 1-year period
23 after the year in which the hourly wage under
24 this paragraph first equals 70 percent of the
25 wage in effect under section 6(a)(1) for the

1 same period, the amount necessary to ensure
2 that the wage in effect under this paragraph re-
3 mains equal to 70 percent of the wage in effect
4 under section 6(a)(1), rounded to the nearest
5 multiple of \$0.05; and”.

6 (c) PUBLICATION OF NOTICE.—Section 6 of the Fair
7 Labor Standards Act of 1938 (as amended by subsection
8 (a)) (29 U.S.C. 206) is further amended by adding at the
9 end the following:

10 “(i) Not later than 60 days prior to the effective date
11 of any increase in the minimum wage determined under
12 subsection (h) or required for tipped employees in accord-
13 ance with subparagraph (B) or (C) of section 3(m)(1), as
14 amended by the Fair Minimum Wage Act of 2013, the
15 Secretary shall publish in the Federal Register and on the
16 website of the Department of Labor a notice announcing
17 the adjusted required wage.”.

18 (d) EFFECTIVE DATE.—The amendments made by
19 subsections (a) and (b) shall take effect on the first day
20 of the third month that begins after the date of enactment
21 of this Act.

○



State of Wisconsin
2013 - 2014 LEGISLATURE

IN 11/8
Week of 11/11

2013 BILL



3599/1

LRB-0584/1
GMM:eev:rs

1 AN ACT ^{reg'n} *to repeal* 104.001; *to renumber* 104.01 (1); *to renumber and amend*
2 104.045; *to amend* 49.141 (1) (g), 103.67 (2) (fm) 3., 103.70 (2) (b) 3., 104.01
3 (intro.), 104.01 (8), 104.05, 104.07 (1), 104.07 (2), 104.10, 104.11, 234.94 (5),
4 234.94 (8), 800.09 (1j), 800.095 (1) (d) and 895.035 (2m) (c); and *to create* 104.01
5 (1d), 104.01 (1g), 104.01 (5m), 104.01 (7m), 104.035 and 104.045 (2) and (3) of
6 the statutes; **relating to:** a state minimum wage, ~~permitting the enactment of~~
7 ~~local living wage ordinances~~, extending the time limit for emergency rule
8 procedures, providing an exemption from emergency rule procedures,
9 providing an exemption from rule-making procedures, and requiring the
10 exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

Currently, the state minimum wage law requires that employers pay a living wage to their employees. Under that law, the Department of Workforce Development (DWD) has provided, by rule, minimum wages for various types of employees, including employees, generally; minor employees; opportunity employees, who are defined as employees under 20 years of age in their first 90 days of employment with

BILL

a particular employer; tipped employees; agricultural employees; camp counselors; golf caddies; students employed at independent colleges and universities for less than 20 hours per week; student learners employed in bona fide school training programs; and individuals who are unable to earn the standard minimum wage because of a disability. DWD has exempted, by rule, from the minimum wage law employees who perform less than 15 hours per week of casual employment, such as baby-sitting or lawn mowing, in and around an employer's home; employees who provide companionship services to elderly or infirm individuals; and elementary and secondary school students performing work-like activities in their schools. DWD has also promulgated rules providing allowances against the minimum wage for employers that provide meals or lodging for their employees.

Under this bill, DWD will continue to provide the exemptions listed above as well as separate minimum wages for opportunity employees, agricultural employees, camp counselors, golf caddies, students employed at independent colleges and universities for less than 20 hours per week, student learners employed in bona fide school training programs, and individuals who are unable to earn the standard minimum wages because of a disability. For employees generally and for tipped employees, however, the bill sets the minimum wages as follows:

<u>Employees generally</u>	
Current minimum wage	\$7.25 per hour
Minimum wage on effective date	✓ \$8.10 per hour
Minimum wage May 1, 2014, to April 30, 2015	✓ \$8.95 per hour
Minimum wage May 1, 2015, to April 30, 2016	✓ \$9.80 per hour

<u>Tipped employees</u>	
Current minimum wage	✓ \$2.33 per hour
Minimum wage on effective date	✓ \$3 per hour
Minimum wage May 1, 2014, to April 30, 2015	\$3.85 per hour
Minimum wage May 1, 2015, to April 30, 2016	\$4.70 per hour

Beginning on May 1, 2016, the bill requires DWD annually to promulgate rules revising the minimum wages established under the bill or by rule and allowances for meals and lodging established by rule by determining the percentage difference between the consumer price index for the preceding year and the consumer price index for the year before the preceding year, adjusting the minimum wages and allowances in effect on April 30 of the current year by that percentage difference, and rounding that result to the nearest multiple of five cents or, in the case of a camp counselor, the nearest dollar. For tipped employees, the bill requires DWD to

then
then
three
three years after the
effective date for employees
generally and on the first year
after that date for tipped employees
[the bill's effective
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BILL

95

increase the minimum wage by 85 cents each year until the minimum wage for tipped employees equals 70 percent of the minimum wage for employees generally and then in subsequent years to revise the minimum wage for tipped employees so that the minimum wage for tipped employees remains equal to 70 percent of the minimum wage for employees generally, rounded to the nearest multiple of five cents. DWD, however, is not required to revise the minimum wage if the consumer price index for the preceding year has not increased over the consumer price index for the year before the preceding year.

~~Finally, current law prohibits a city, village, town, or county from enacting and administering an ordinance establishing a living wage. This bill eliminates that prohibition.~~

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 49.141 (1) (g) of the statutes is amended to read:

2 49.141 (1) (g) "Minimum wage" means the state minimum hourly wage under
3 ~~ch. 104 s. 104.035 (1)~~ or the federal minimum hourly wage under 29 USC 206 (a) (1),
4 whichever is applicable.

5 **SECTION 2.** 103.67 (2) (fm) 3. of the statutes is amended to read:

6 103.67 (2) (fm) 3. The minor is paid the applicable minimum wage under ~~ch.~~
7 104 s. 104.035 or under federal law, whichever is greater, for the work.

8 **SECTION 3.** 103.70 (2) (b) 3. of the statutes is amended to read:

9 103.70 (2) (b) 3. The minor is paid the applicable minimum wage under ~~ch. 104~~
10 s. 104.035 or under federal law, whichever is greater, for the work.

11 ~~**SECTION 4.** 104.001 of the statutes is repealed.~~

12 **SECTION 5.** 104.01 (intro.) of the statutes is amended to read:

13 **104.01 Definitions.** (intro.) ~~The following terms as used in In~~ this chapter
14 ~~shall be construed as follows:~~

15 **SECTION 6.** 104.01 (1) of the statutes is renumbered 104.01 (1m).

BILL

SECTION 7. 104.01 (1d) of the statutes is created to read:

104.01 (1d) "Agricultural employee" means an employee who is employed in the operation of farm premises, as described in s. 102.04 (3).

SECTION 8. 104.01 (1g) of the statutes is created to read:

104.01 (1g) "Consumer price index" means the average of the consumer price index over each 12-month period for all urban consumers, U.S. city average, all items, not seasonally adjusted, as determined by the bureau of labor statistics of the U.S. department of labor.

SECTION 9. 104.01 (5m) of the statutes is created to read:

104.01 (5m) "Opportunity employee" means a person under 20 years of age who is in the first 90 consecutive days of employment with his or her employer.

SECTION 10. 104.01 (7m) of the statutes is created to read:

104.01 (7m) "Tipped employee" means an employee who in the course of employment customarily and regularly receives money or other gratuities from persons other than the employee's employer.

SECTION 11. 104.01 (8) of the statutes is amended to read:

104.01 (8) ~~The term "wage" and the term "wages" shall each mean~~ "Wage" means any compensation for labor measured by time, piece, or otherwise.

SECTION 12. 104.035 of the statutes is created to read:

(use twice)

104.035 Minimum wage. (1) EMPLOYEES GENERALLY. Except as provided in subs. (2) to (4), the minimum wage is as follows:

(a) For wages earned before ~~May 1, 2014~~ ^{\$8.20} ~~\$8.10~~ per hour.

(b) For wages earned beginning on ~~May 1, 2014~~ ^{the first day of the 15th month beginning after publication...} and ending on ~~April 30, 2015~~ ^{inserts date},

~~\$8.95~~ per hour.

²⁶ the last day of the ~~20~~th month beginning after publication... ^{inserts date}, \$9.15,

the last day of the 38th month beginning after publication [1st inserts date]
\$10.10 ✓

2013 - 2014 Legislature

- 5 -

LRB-0584/T

GMM:eev:rs

SECTION 12

BILL

the first day of the 27th month beginning after
publication [1st inserts date]

1 (c) For wages earned beginning on ~~May 1, 2015~~, and ending on ~~April 30, 2016~~,

2 ~~\$9.80~~ per hour.

the first day of the 39th month beginning after publication
[1st inserts date]

3 (d) For wages earned beginning on ~~May 1, 2016~~, the amount determined by the
4 department by rule promulgated under sub. (5).

5 (2) TIPPED EMPLOYEES. Except as provided in subs. (3) and (4), if an employer
6 of a tipped employee establishes by the employer's payroll records that, when adding
7 the tips received by the tipped employee in a week to the wages paid to the tipped
8 employee in that week, the tipped employee receives not less than the applicable
9 minimum wage specified in sub. (1), the minimum wage for the tipped employee is
10 as follows:

the first day of the 15th month beginning after publication
[1st inserts date]

11 (a) For wages earned before ~~May 1, 2014~~, \$3 per hour.

(use twice)

12 (b) For wages earned beginning on ~~May 1, 2014~~, and ending on ~~April 30, 2015~~,
13 \$3.85 per hour.

14 (c) For wages earned beginning on ~~May 1, 2015~~, and ending on ~~April 30, 2016~~,
15 \$4.70 per hour.

16 (b) (d) For wages earned beginning on ~~May 1, 2016~~, the amounts determined by
17 the department by rule promulgated under sub. (5).

18 (3) MINIMUM WAGE ESTABLISHED BY DEPARTMENT. The department shall
19 promulgate rules providing the minimum wage for all of the following:

20 (a) Opportunity employees.

21 (b) Agricultural employees.

22 (c) Camp counselors.

23 (d) Golf caddies.

24 (e) An employee or worker with a disability covered under a license under s.

25 104.07.

BILL**SECTION 12**

(f) A student learner.

(g) A student employed by an independent college or university for less than 20 hours per week.

(4) EMPLOYMENT EXEMPTED BY DEPARTMENT. The department shall promulgate rules exempting from the minimum wage requirements under subs. (1) to (3) all of the following:

(a) A person engaged in casual employment in and around an employer's home on an irregular or intermittent basis for not more than 15 hours per week.

(b) A person who resides in the home of an employer who, due to advanced age or physical or mental disability, cannot care for his or her own needs, for the purpose of companionship and who spends not more than 15 hours per week on general household work for the employer.

(c) An elementary or secondary school student performing student work-like activities in the student's school.

The date specified in sub. (1)(2) or (2)(b), whichever is applicable, and annually, thereafter.

(5) DEPARTMENT TO REVISE. (a) 1. Subject to pars. (b) and (c), by ~~May 1 of each year~~, the department shall promulgate rules to revise the minimum wages established under subs. (1) ~~to (3)~~ ^{and (2)} and the allowances for meals and lodging established under s. 104.045 (2). Subject to subd. 2., the department shall determine those revised minimum wages ~~and allowances~~ by calculating the percentage difference between the consumer price index for the 12-month period ending on ~~December 31 of the preceding year~~ and the consumer price index for the 12-month period ending on ~~December 31 of the year before the preceding year~~ ^{then} adjusting the minimum wages ~~and allowances~~ in effect ~~on April 30 of the current year~~ by that percentage difference, and rounding that result to the nearest multiple of 5 cents.

*of the last month
the last day for which that
information is available*

*the last day of the month
12 months prior to that month*

BILL

1 ~~except that, for a minimum wage under sub. (3) (e), the department shall round the~~
2 ~~result to the nearest dollar.~~

3 2. In revising the minimum wage for tipped employees under sub. (2), each year
4 the department shall increase that minimum wage by ⁹⁵~~85~~ cents or by the amount that
5 is necessary for that minimum wage to equal 70 percent of the minimum wage under
6 sub. (1) as determined under subd. 1., rounded to the nearest multiple of 5 cents,
7 whichever is less. For years subsequent to the first year in which the minimum wage
8 under sub. (2) equals 70 percent of the minimum wage under sub. (1) as determined
9 under subd. 1., the department shall revise the minimum wage under sub. (2) by the
10 amount that is necessary for that minimum wage to remain equal to 70 percent of
11 the minimum wage under sub. (1) as determined under subd. 1., rounded to the
12 nearest multiple of 5 cents.

13 3. The department may use the emergency rule procedures under s. 227.24 to
14 promulgate the rules required under subds. 1. and 2. Notwithstanding s. 227.24 (1)
15 (a) and (3), the department may promulgate those rules as emergency rules without
16 providing evidence that promulgating those rules as emergency rules is necessary
17 to preserve the public peace, health, safety, or welfare and without a finding of
18 emergency. Notwithstanding s. 227.24 (1) (e) 1d. and 1g., the department is not
19 required to prepare a statement of the scope of those rules or to submit those rules
20 in final draft form to the governor for approval. A revised minimum wage ~~or~~
21 ~~allowance~~ determined under subd. 1. or 2. shall first apply to wages earned ~~or meals~~
22 ~~or lodging furnished on May 1~~ of the year in which the wage ~~or allowance~~ is revised
23 and, notwithstanding s. 227.24 (1) (c) and (2), shall remain in effect until ~~May 1 of~~
24 the following year. ^{beginning} ^{that same date}

on the first day of the 3rd month after the month of publication
i.e. [1st month date] ^

BILL

the last day of the last month
for which that information is
available

(b) Paragraph (a) does not apply if the consumer price index for the 12-month period ending on ~~December 31 of the preceding year~~ has not increased over the consumer price index for the 12-month period ending on ~~December 31 of the year before the preceding year~~. *The last day of the month 12 months prior to that month.*

(c) Paragraph (a) does not preclude the department from promulgating rules to increase a minimum wage provided under subs. (1) to (4). ³

SECTION 13. 104.045 of the statutes is renumbered 104.045 (intro.) and amended to read:

104.045 Tipped employees Tips, meals, lodging, and hours worked.
(intro.) The department shall ~~by rule determine what amount of promulgate rules governing all of the following:~~

(1) The counting of tips or similar gratuities may be counted toward fulfillment of the employer's obligation under this chapter.

SECTION 14. 104.045 (2) and (3) of the statutes are created to read:

104.045 (2) The deduction of meals or lodging provided by an employer to an employee from the employer's obligation under this chapter.

(3) The determination of hours worked by an employee during which the employee is entitled to a living wage under this chapter.

SECTION 15. 104.05 of the statutes is amended to read:

104.05 Complaints; investigation. ~~The department shall, within~~ Within 20 days after the filing of a verified complaint of any person ~~setting forth~~ alleging that the wages paid to any employee in any occupation are not sufficient to enable the employee to maintain himself or herself under conditions consistent with his or her welfare, the department shall investigate and determine whether there is reasonable cause to believe that the wage paid to any employee is not a living wage.

BILL

1 **SECTION 16.** 104.07 (1) of the statutes is amended to read:

2 104.07 (1) The department shall ~~make~~ promulgate rules, and, except as
3 provided under subs. (5) and (6), grant licenses a license to any employer who
4 employs any employee who is unable to earn the living wage determined by the
5 department, permitting the employee to work for a wage that is commensurate with
6 the employee's ability. Each license so granted shall establish a wage for the licensee
7 employees of the licensee who are unable to earn a living wage.

8 **SECTION 17.** 104.07 (2) of the statutes is amended to read:

9 104.07 (2) The department shall ~~make~~ promulgate rules, and, except as
10 provided under subs. (5) and (6), grant licenses to sheltered workshops, to permit the
11 employment of workers with disabilities who are unable to earn the living wage at
12 a wage that is commensurate with their ability and productivity. A license granted
13 to a sheltered workshop under this subsection may be issued for the entire workshop
14 or a department of the workshop.

15 **SECTION 18.** 104.10 of the statutes is amended to read:

16 **104.10 Penalty for intimidating witness.** Any employer who discharges or
17 threatens to discharge, or who in any way discriminates, or threatens to discriminate
18 against, any employee because the employee has testified or is about to testify, or
19 because the employer believes that the employee may testify, in any investigation or
20 proceeding relative to the enforcement of this chapter, is ~~guilty of a misdemeanor,~~
21 and upon conviction thereof shall be punished by a fine of may be fined \$25 for each
22 offense.

23 **SECTION 19.** 104.11 of the statutes is amended to read:

24 **104.11 Definition of violation.** Each day during which any employer shall
25 employ employs a person for whom a living wage has been fixed at a wage that is less

replace with Ins EEV

↑ as affected
by 2013 Wisconsin Act 36,

↑ as affected by 2013 Wisconsin
Act 36,

BILL**SECTION 19**

1 than the living wage fixed shall constitute a separate and distinct violation of this
2 chapter.

3 **SECTION 20.** 234.94 (5) of the statutes is amended to read:

4 234.94 (5) "Primary employment" means work ~~which~~ that pays at least the
5 minimum wage as established under ~~ch. 104 s. 104.035 (1)~~ or under federal law,
6 whichever is greater;; offers adequate fringe benefits, including health insurance;;
7 and is not seasonal or part time.

8 **SECTION 21.** 234.94 (8) of the statutes is amended to read:

9 234.94 (8) "Target group" means a population group for which the
10 unemployment level is at least ~~25%~~ 25 percent higher than the statewide
11 unemployment level, or a population group for which the average wage received is
12 less than 1.2 times the minimum wage as established under ~~ch. 104 s. 104.035 (1)~~ or
13 under federal law, whichever is greater. No population group is required to be located
14 within a contiguous geographic area to be considered a target group.

15 **SECTION 22.** 800.09 (1j) of the statutes is amended to read:

16 800.09 (1j) If the court orders the defendant to perform community service
17 work in lieu of making restitution or of paying the forfeiture, surcharges, fees and
18 costs, or both, the court may order that the defendant perform community service
19 work for a public agency or a nonprofit charitable organization that is approved by
20 the court and agreed to by the public agency or nonprofit charitable organization.
21 Community service work may be in lieu of restitution only if also agreed to by the
22 person to whom restitution is owed. The number of hours of community service work
23 required may not exceed the number determined by dividing the amount owed on the
24 forfeiture by the minimum wage established under ~~ch. 104 for adults in~~
25 ~~nonagriculture, nontipped employment~~ s. 104.035 (1). The court shall ensure that

BILL

1 the defendant is provided a written statement of the terms of the community service
2 order and that the community service order is monitored.

3 **SECTION 23.** 800.095 (1) (d) of the statutes is amended to read:

4 800.095 (1) (d) That the defendant perform community service work for a
5 public agency or nonprofit charitable organization approved by the court and agreed
6 to by the agency or nonprofit charitable organization. If the community service work
7 is in lieu of restitution, then the person to whom restitution is owed must agree; the
8 defendant shall be given credit at the rate of not less than the minimum wage
9 established under ~~ch. 104 for adults in nonagriculture, nontipped employment s.~~
10 104.035 (1) for each one hour of community service completed. The defendant shall
11 be given a written statement of the community service order. Nothing in this
12 paragraph makes the defendant an employee or agent of the court or the
13 municipality. The defendant shall be responsible for providing the court with proof
14 that the community service hours have been completed.

15 **SECTION 24.** 895.035 (2m) (c) of the statutes is amended to read:

16 895.035 (2m) (c) The court assigned to exercise jurisdiction under chs. 48 and
17 938 may order that the juvenile perform community service work for a public agency
18 or nonprofit charitable organization that is designated by the court in lieu of making
19 restitution or paying the forfeiture or surcharge. If the parent agrees to perform
20 community service work in lieu of making restitution or paying the forfeiture or
21 surcharge, the court may order that the parent perform community service work for
22 a public agency or a nonprofit charitable organization that is designated by the court.
23 Community service work may be in lieu of restitution only if also agreed to by the
24 public agency or nonprofit charitable organization and by the person to whom
25 restitution is owed. The court may utilize any available resources, including any

BILL**SECTION 24**

1 community service work program, in ordering the juvenile or parent to perform
2 community service work. The number of hours of community service work required
3 may not exceed the number determined by dividing the amount owed on the
4 restitution, forfeiture, or surcharge by the minimum wage established under ~~ch. 104~~
5 ~~for adults in nonagriculture, nontipped employment~~ s. 104.035 (1). The court shall
6 ensure that the juvenile or parent is provided with a written statement of the terms
7 of the community service order and that the community service order is monitored.

SECTION 25. Effective date.

8
9 (1) MINIMUM WAGE. This act takes effect on the first day of the ~~first~~ month
10 beginning after publication.

11 (END)

day of the 3rd

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3599/lins
GMM:eev:...

INS EEV

1
2
3 ~~SECTION 1.~~ 104.07 (1) of the statutes, as affected by 2013 Wisconsin Act 36, is
4 amended to read:

5 104.07 (1) The department shall ~~make~~ promulgate rules, and, except as
6 provided under subs. (5), (6), and (7), grant licenses a license to any employer who
7 employs any employee who is unable to earn the living wage determined by the
8 department, permitting the employee to work for a wage that is commensurate with
9 the employee's ability. Each license so granted shall establish a wage for the licensee
10 employees of the licensee who are unable to earn a living wage.

11 ~~SECTION 2.~~ 104.07 (2) of the statutes, as affected by 2013 Wisconsin Act 36, is
12 amended to read:

13 104.07 (2) The department shall ~~make~~ promulgate rules, and, except as
14 provided under subs. (5), (6), and (7), grant licenses to sheltered workshops, to permit
15 the employment of workers with disabilities who are unable to earn the living wage
16 at a wage that is commensurate with their ability and productivity. A license granted
17 to a sheltered workshop under this subsection may be issued for the entire workshop
18 or a department of the workshop.

19
20 END INS EEV

Basford, Sarah

From: Selkowe, Vicky
Sent: Tuesday, January 14, 2014 2:09 PM
To: LRB.Legal
Subject: Draft Review: LRB -3599/1 Topic: minimum wage; increase, then index

Please Jacket LRB -3599/1 for the ASSEMBLY.